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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 ROBERT WAYNE TOMLINSON JR., ) NO. ED CV 18-2008-AB(E)  
12 Plaintiff, )  
13 v. ) ORDER RE VOLUNTARY DISMISSAL  
14 SHIN LIONG, ET AL., )  
15 Defendants. )  
16 \_\_\_\_\_ )  
17

18 On November 9, 2018, Plaintiff filed a "Motion for Voluntary  
19 Dismissal Without Prejudice," requesting dismissal of the action  
20 without prejudice. The Court construes this motion as a notice of  
21 voluntary dismissal pursuant to Rule 41(a) of the Federal Rules of  
22 Civil Procedure. Rule 41(a) permits a plaintiff to dismiss an action  
23 voluntarily, without court order, by filing a notice of dismissal at  
24 any time before service by an adverse party of an answer or a motion  
25 for summary judgment. No defendant has filed any answer or motion  
26 for summary judgment in this action. Therefore, under Rule 41(a)(1),  
27 the action is deemed dismissed by operation of law. See Commercial  
28 Space Management Co. v. Boeing Co., 193 F.3d 1074, 1078 (9th Cir.

1 1999) ("it is beyond debate that a dismissal under Rule 41(a)(1) is  
2 effective on filing, no court order is required, the parties are left  
3 as though no action had been brought, the defendant can't complain,  
4 and the district court lacks jurisdiction to do anything about it").  
5 This dismissal is without prejudice. See Fed. R. Civ. P. 41(a).

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7 DATED: November 15, 2018.

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11 \_\_\_\_\_  
12 ANDRÉ BIROTTE JR.  
13 UNITED STATES DISTRICT JUDGE

14 PRESENTED this 9th day  
15 of November, 2018, by:

16 \_\_\_\_\_  
17 /s/  
18 CHARLES F. EICK  
19 UNITED STATES MAGISTRATE JUDGE